

**567—150.3(455B) Application procedure.**

**150.3(1) *Prior agency contact.*** Persons intending to construct a hazardous waste treatment, storage or disposal facility subject to site licensing under these rules shall contact the following regulatory agencies in writing or in person at least 60 days prior to filing an application for site license, to determine the permitting or other regulatory requirements pertaining to the proposed facility:

- a. Iowa department of natural resources
- b. Local zoning authority
- c. Labor division of the department of employment services
- d. Iowa department of revenue
- e. Soil conservation division, department of agriculture and land stewardship
- f. Any agency regulating matters pertaining specifically to the nature of the business of the applicant or potential clients.

**150.3(2) *Prior notice of intent.*** Notice in accordance with Iowa Code section 455B.443 shall be made prior to filing an application. Notice to the director, city council and board of supervisors shall be by personal service or certified mail. In addition to the contents specified in 455B.443 the notice shall state that an application has to be filed with this department and approved by the commission, and that persons interested in receiving notice that the application is being considered by the commission should express their interest in writing to the department. The application shall be filed within 15 days after the second publication of notice in the newspaper.

**150.3(3) *Form, manner and place of filing — fee.***

a. *Form.* The application, associated documents, or other papers filed with the director in a site licensing proceeding shall be printed or typewritten and reproduced on sheets of 8½ inches by 11 inches (except for foldouts and special exhibits) in loose-leaf or equivalent replaceable sheet form with hardcover binding, volumes no more than 1½ inches thick. The information required by these rules shall be indexed and arranged in a sequential manner substantially similar to the outline form of subrule 150.3(4), with all material categorized into the specific areas and sections set forth in subrule 150.3(4). Each page shall be numbered at the bottom margin in the center, with the Arabic numeral corresponding to the section, as identified in subrule 150.3(4), hyphen, and sequential page number (e.g., 1-1, 1-2, etc.; 2-1, 2-2, etc.; etc.). Each page shall be dated in parentheses in the left, bottom margin, with the date of or near initial filing, and subsequent revisions shall be marked “Revised (date)” in parentheses in the left, bottom margin.

b. *Manner and place.* The applicant shall file the original and 25 copies, plus one copy for each regulatory agency other than the department which issues a license or permit, of the complete application by presentation or mailing, with the appropriate fee, to: Director, Department of Natural Resources, Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa 50319. A copy will be maintained in the department’s records center and at the office nearest the proposed site, for public examination in accordance with 561—Chapter 2.

c. *Fee.* A nonrefundable fee of \$1,000 shall be paid with the application. This fee is in addition to the costs of the proceeding which will be assessed to the applicant pursuant to Iowa Code section 455B.450.

**150.3(4) *Contents of application.*** Nothing in this rule shall be construed to limit or in any way restrict the amount or type of information relevant to the issues in hazardous waste site licensing proceedings. Any omission or deficiency in the filed information, which is known to the applicant, shall be clearly identified by the applicant with an explanation of the noted omission or deficiency. The applicant shall indicate whether the information omitted will be supplied at a later date and, if not, shall indicate the reasons for the omission. An application shall substantially comply with the following informational requirements:

a. In section 1, entitled “General Information,” the applicant shall include the following information:

(1) Proof of notice in accordance with Iowa Code section 455B.443, including a copy of the notice and proof of service and publication, by affidavit or copy of return receipt.

(2) Facility name, mailing address, location (if different from mailing address), telephone number and contact person for the project.

(3) Facility owner's and operator's name, address and telephone number.

(4) A legal description of the site and a map or maps showing the location of the site with respect to state, county and other political subdivisions and prominent features such as lakes and rivers. A reproduction of the pertinent portion of a USGS 7.5 minute series topographic map, if available, and if not, of an Iowa D.O.T. county map, with the site outlined, are preferred.

(5) A plat identifying the owners of record of real property within one mile from the site boundaries.

(6) A description of the nature of the business activities and processes to be conducted at the site (treatment, storage, disposal).

(7) A description of each waste class to be handled, and a listing of each specific waste within each waste class (see rule 567—141.2(455B) and 40 CFR 261) using the hazardous waste number where possible. Also describe any hazardous waste which may result from facility operation. Estimate the volume of each waste to be handled, on a yearly basis. If seasonal variations may occur, identify this.

(8) A general description of the treatment, storage or disposal methods to be used, including design capacity.

(9) An identification of staffing and qualifications including education, skills, and relevant experience, and available resources for routine operations and emergencies, including equipment and structures.

(10) The projected life of the facility and the projected operating capacity through the life of the facility.

(11) Whether or not land burial of hazardous wastes at the site will be conducted.

b. In section 2, entitled "Regulatory Requirements," the applicant shall include the following:

(1) Proof of compliance with 150.3(1).

(2) A listing of all local ordinances, permits or other requirements applying to the construction, operation or maintenance of the facility, including the regulatory agencies involved.

(3) Information, categorized by agency, describing compliance with agency requirements. Include a complete application in accordance with each agency's requirements, or in lieu thereof, the applicable permit, license or other approval, and identify any known deficiencies or issues regarding regulatory requirements and efforts to resolve those deficiencies or issues.

c. In section 3, entitled "Need for Facility," the applicant shall include the following:

(1) A list of potential users of the facility (sources of waste), including location(s).

(2) A description of current treatment, storage or disposal practices of those potential users.

(3) A description of available or potential technical alternatives for handling the wastes, including but not limited to source reduction, reuse, resource recovery, incineration, and detoxification. Other facilities available for treatment, storage or disposal also must be identified.

(4) A detailed analysis of the economic and other costs and benefits derived from the facility, considering the available or potential alternatives. Statements of need and intent to use the facility from potential users should be included.

d. In section 4, entitled "Impact on the Area," the applicant shall include the following:

(1) A description of land uses and zoning classifications within one mile from the site property boundaries. Include, where possible, the extent to which the site and surrounding area are by present or projected use dedicated to industrial development.

(2) A forecast of the impact on agricultural production and uses.

(3) A forecast of the impact on open space areas and areas of significant wildlife habitat. Such forecast shall include identification and description of the impact of the proposed facility on terrestrial and aquatic plants and animals, forests, wetlands, and prairies.

(4) A forecast of the impact on cultural resources including known archaeological, historical and architectural properties which are on, or eligible for, the national register of historic places.

(5) A forecast of the impact on landmarks of historic, religious, archaeological, scenic, natural or other cultural significance.

(6) For land disposal, land treatment, surface impoundments, waste piles, and underground storage tanks, a description of the soil/bedrock underlying the site, including type of bedrocks, faults, fissures, crevices, springs, sinkholes, seeps, limestone cavities or other irregularities in bedrocks or soil layers, and hydrological information where applicable.

(7) Population density within a one-mile radius from the site property boundaries.

(8) The consequences of improper treatment, storage or disposal of each waste or classes of waste (fires, explosions, contamination of water supplies, etc.) and the probability of their occurrence.

(9) The impact of the facility on the operations and responsibilities of the city and county in which the facility will be located and on the cities and counties near the site. Include sewer and water hookups, use of local landfill, whether waste will be discharged to the municipal wastewater disposal system, what police and fire services are needed, road services required such as snow removal and repairs, and additional health services required.

(10) The economic impact of the facility on the area within a 15-mile radius, including potential clients and job opportunities, payroll, and financial sources.

(11) A forecast of environmental impact on rivers, streams, lakes and their shorelines, aquifers, air quality, and soils, all within a 15-mile radius of the property boundaries.

(12) Modes of transportation to and from the facility (air, water, rail or roads).

(13) Probable routes that will be used in transporting waste from clients and potential clients to the facility.

(14) Iowa cities that will be along such probable routes.

(15) The consequences of an accident during transportation of such waste, and the probability of accidents.